

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

LOUIS JOHN DELGIORNO, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Louis John DelGiorno, M.D., ("Dr. DelGiorno") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14(n):

FINDINGS OF FACT

1. Dr. DelGiorno currently holds a license to practice medicine in the State of West Virginia, License Number 16605, issued originally in 1991, and Dr. DelGiorno's address of record with the Board is in Hagerstown, Maryland.

2. In November, 1995, the Complaint Committee of the Board initiated a complaint against Dr. DelGiorno based upon a disciplinary action taken against Dr. DelGiorno's license to practice medicine in the State of Florida, in February, 1995, whereby Dr. DelGiorno relinquished his license to practice medicine in Florida, agreeing never again to apply for licensure as a medical doctor in the State of Florida.

3. The Complaint Committee of the Board received a response to its complaint from Dr. DelGiorno and Dr. DelGiorno appeared for an informal discussion of the matter before the Complaint Committee of the Board in April, 1995.

4. For Dr. DelGiorno to continue to practice medicine without the Board attaching a condition and limitation upon Dr. DelGiorno's license to practice medicine and surgery in the State of West Virginia could adversely affect the health and welfare of a patient.

#### CONCLUSIONS OF LAW

1. The West Virginia Medical Practice Act declares that the practice of medicine is a privilege and as a matter of public policy, the provisions in the act are necessary to protect the public interest (West Virginia Code §30-3-1).

2. Probable cause exists to file charges against Dr. DelGiorno pursuant to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(g), in that Dr. DelGiorno's license to practice medicine in another state has been subjected to disciplinary action by the licensing authority thereof.

3. It is appropriate to waive the commencement of proceedings against Dr. DelGiorno and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. DelGiorno agrees to sit for and obtain a passing grade of seventy-five (75) or above upon the SPEX (Special Purpose Examination).

#### CONSENT

Louis John DelGiorno, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated

herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. DelGiorno acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. DelGiorno acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. DelGiorno waives all rights to such a hearing;

4. Dr. DelGiorno consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. DelGiorno understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

#### ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, and on the basis of the consent of Dr. DelGiorno, the West Virginia Board of Medicine hereby orders that within ninety (90) days of entry of this Consent Order Dr. DelGiorno shall both sit for the SPEX (Special Purpose Examination) and obtain a passing grade of seventy-five (75) or above thereon.

The failure of Dr. DelGiorno to comply with the terms of this Consent Order, as determined by the Board, may constitute grounds for the revocation of his medical license in West Virginia.

Entered this 21<sup>st</sup> day of May, 1996.

WEST VIRGINIA BOARD OF MEDICINE

A Paul Brooks Jr M

A. Paul Brooks, Jr., M.D.  
President

William T. Wallace Jr M

William T. Wallace, Jr., M.D., M.P.H.  
Secretary

Louis John DelGiorno M.D.

Louis John DelGiorno, M.D.  
Date: \_\_\_\_\_

STATE OF West Virginia

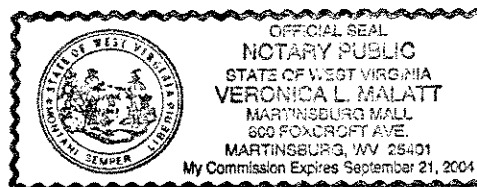
COUNTY OF Berkeley, to-wit:

I, Veronica L. Malatt, a Notary Public for said county and state do hereby certify that Lewis John DelGiorno, M.D., whose name is signed above has this day acknowledged the same before me.

Given under my hand this 17 day of May, 1996.

My Commission expires Sept 21, 2004.

Veronica L. Malatt  
NOTARY PUBLIC





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# State of West Virginia

WEST VIRGINIA BOARD OF MEDICINE

101 Dee Drive

Charleston, West Virginia 25311

Telephone (304) 558-2921

Fax (304) 558-2084

September 12, 1996

Louis John DelGiorno, M.D.  
11238 Eastwood Drive  
Hagerstown, Maryland 21742

Dear Dr. DelGiorno:

This is to officially notify you that it has been determined effective September 9, 1996, that you have satisfactorily fulfilled the terms of the Consent Order entered May 21, 1996.

In accordance with the statute, the Consent Order remains a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

Ronald D. Walton

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Martinsburg

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